

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION NO.: 6:07-858-HFF
)	
Plaintiff,)	
)	
vs.)	
)	
\$35,080.00 IN UNITED STATES)	
CURRENCY,)	
)	
Defendant.)	

CONSENT ORDER OF FORFEITURE

This in rem forfeiture action was filed on March 30, 2007 concerning \$35,080.00 in United States currency seized on or about September 28, 2006 by South Carolina State Highway Patrol Officer Donnie Gilbert from a motor vehicle driven by Woody Cherenfant.

Publication of the action was made in “The State” newspaper on May 9, 16, and 23, 2007 in accord with 19 U.S.C. § 1607 and Supplemental Rule G(4) for Admiralty or Maritime Claims and Asset Forfeiture Actions¹. In regard to notice by publication, persons claiming an interest were required to file a verified statement of the claimed interest within

¹ Hereafter referred to as “Supplemental Rules.”

thirty days after completed publication, and serve an Answer to the complaint within twenty (20) days after filing such verified statement of claimed interest. Supplemental Rules G(4)(b) and 5.

At the time the Complaint was filed, the United States was aware of two potential claimants to the Defendant property, Woody Cherenfant and Enterprise Rental Car Company, Inc. The United States sent notice to these potential claimants on April 24, 2007, by Federal Express. Included with the Notice were copies of the following documents: Complaint for Forfeiture *in rem*, Warrant of Arrest and Notice *in rem*, Order for Arrest of Property, and Answers of the United States to Standard Interrogatories. Woody Cherenfant and Enterprise Rental Car Company was required to file a claim not later than thirty-five (35) days after the notice of the forfeiture was sent, and to file an answer to the Complaint within twenty (20) days after filing the claim. Supplemental Rules G4(b) and (5).

The period in which to file a timely claim based on publication and direct notice has elapsed. The only entity to file a Claim in this case to the Defendant property is Woody Cherenfant.

The United States and Woody Cherenfant have reached the following settlement: First, \$10,000.00 of the Defendant currency is to be returned to Woody Cherenfant by the United States Marshals Service issuing a check made jointly payable to “Woody Cherenfant and his Attorney, Jeffrey A. Merriam”. Second, the balance of the Defendant currency, to wit, \$25,080.00, is to be found and held forfeited, condemned, quit-claimed and abandoned

to the United States and shall be disposed of by the United States pursuant to law as a forfeited asset.

The parties agree that each side shall bear its own costs.

NOW THEREFORE, the Court being fully advised, and based on the Stipulation for Compromise Settlement, which is incorporated herein by reference, it is

ORDERED, ADJUDGED AND DECREED, that:

1. All persons and entities other than Woody Cherenfant claiming any right, title or interest in or to the Defendant currency are hereby held in default and default judgment is entered against them.

2. The United States Marshals Service shall forthwith return \$10,000.00 of the Defendant currency to Woody Cherenfant by check made jointly payable to “Woody Cherenfant and his Attorney, Jeffrey A. Merriam”.

3. Pursuant to 21 U.S.C. § 881(a)(6), 18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C), the balance of the Defendant currency, to wit, \$25,080.00, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

4. Clear title in and to the aforesaid \$25,080.00 of the Defendant currency is hereby vested in the United States of America, and no other right, title or interest exists therein. All other claims in or to said \$25,080.00 of the Defendant currency are hereby forever foreclosed and barred.

5. The \$25,080.00 of the Defendant currency forfeited herein shall be disposed of by the United States Marshals Service in accordance with law.

IT IS SO ORDERED.

s/Henry F. Floyd

HENRY F. FLOYD

UNITED STATES DISTRICT JUDGE

Greenville, South Carolina

April __28__, 2008